

MINUTES OF TTF CG MEETING  
AS AMENDED

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications

A meeting of the Telecommunications Transmission Facility Coordinating Group (TTF CG) was held on June 12, 2002. The following people were in attendance:

MEMBERS

Jane Lawton OCA (240) 777-3724

Michael Ma M-NCPPC (301) 495-4595

Pat Hanehan MCPS (301) 279-3609

Gene Dombrowski DPWT (240) 777-6080

Dave Niblock DPS (240) 777-6252

Helen Xu DIST (240) 777-2804

STAFF

Amy Rowan OCA (240) 777-3684

Margie Williams OCA (240) 777-3762

Robert Hunnicutt CTC (410) 964-5700

Kamal Johari CTC (410) 964-5700

OTHER ATTENDEES

Steve Weber VoiceStream (571) 277-0235

Carolyn Mitchell Cingular

John Luke Revenue Authority 301-309-0652

Terence Cooke Cole, Raywid 202-659-9750

Bo Duncan Atlantic Western

David Primeau Sprint PCS 301-564-1826

Janet Brown Jackson & Campbell

Jim Michal Jackson & Campbell

Action Item: Approval of May8, 2002 minutes: Pat Hanehan moved the minutes be approved as written. Dave Niblock seconded the motion and the minutes were unanimously approved.

Action: Consent Agenda Item:

1. AT&T Wireless application to attach six antennas to a power mount at the 156' level of an existing PEPCO transmission pole #37-N located at Bucklodge Road near Moore Road in Boyds (Application #200205-03).

2. AT&T Wireless application to attach six antennas at the 165' level of an existing PEPCO transmission pole #20-L located on Ridge Road near Brown Church Road in Mt. Airy (Application #200205-05).

3. VoiceStream Wireless application to replace two existing omni-directional antennas with one cylindrical omni-directional antenna to be pole mounted on the side of an existing 42' building at Village Square Apartments located at 11927 Veirs Mill Road in Silver Spring (Application #200205-07).

8. Nextel Communications application to attach antennas to the exterior of a church belfry at the 74' level of the Good Shepherd Church located at 9701 New Hampshire Avenue in Silver Spring (Application #200205-10).

Motion: Dave Niblock moved the items on the consent agenda be recommended. Gene Dombrowski seconded the motion and items 3 and 4 were unanimously approved and items 1 and 2 were approved with Pat Hanehan abstaining.

Action Item: AT&T Wireless application to attach six antennas at the 144' level of an existing PEPCO

transmission line tower #40-L located at Mullinix Road near Long Corner Road in Damascus (Application #200205-04).

Kamal Johari summarized the application and noted that this site was in lieu of a new monopole at the Stanley property. Bob Hunnicutt elaborated by adding that although they had not actually reviewed the Stanley property application, it had been discussed in conjunction with the group's review of the Barnhart property application on Hawkins Creamery Road. He stated that he had met with representatives from PEPCO and AT&T Wireless at the PEPCO #40-L tower site, and AT&T and PEPCO agreed to try to coordinate attachment to this transmission line facility. He commended the efforts of both organizations and noted that this was a good example of how the TTF CG process works successfully.

Terence Cooke, representing AT&T Wireless, commented that AT&T would withdraw the Stanley property application once a permit for this PEPCO site is obtained.

Motion: Gene Dombrowski moved the application be recommended. Dave Niblock seconded the motion and it was approved with Pat Hanehan abstaining.

Action Item: VoiceStream Wireless application to attach antennas at the 69' level of an existing 112' monopole on the Rinaldi Property located at 15700 Georgia Avenue in Olney (Application #200205-06).

Kamal Johari summarized the application and noted that there were four carriers already attached to this facility. He noted that the Tower Coordinator's recommendation for this application was conditioned on the carrier obtaining any modification necessary to the Special Exception to expand the ground space by 1,000 square feet to accommodate VoiceStream's equipment.

Steve Weber of VoiceStream stated that Crown Castle had already obtained an administrative modification to the Special Exception.

Motion: Pat Hanehan moved the application be recommended. Dave Niblock seconded the motion, and it was unanimously approved.

Action Item: Sprint PCS application to sled mount three antennas on the lower penthouse roof at the 72' level and attach six panel antennas to brackets on the upper penthouse roof walls at the 75' level of a building at Montgomery Towers apartments located at 415 Silver Spring Avenue in Silver Spring (Application #200205-08).

Kamal Johari summarized the application and noted that this site was in lieu of a site previously reviewed by the TTF CG at 601 Sligo Avenue (Application #200110-02). Pat Hanehan asked if the Tower Coordinator thought that the antennas would be visible on this building. Bob Hunnicutt explained that three of the four sides of the building were fairly well concealed by tall trees but the antennas would probably be visible from the fourth side, but added he doubted anyone would object to them.

Motion: Gene Dombrowski moved the application be recommended. Dave Niblock seconded the motion, and it was unanimously approved.

Action Item: AT&T Wireless application to attach antennas at the 140' level of an existing 180' lattice tower on the Troop 52 Forest Preserve property located at 16100 Darnestown Road in Dawsonville (Application #200205-09).

Kamal Johari summarized the application and explained that there was a long history behind this siting and asked Bob Hunnicutt to elaborate. Bob Hunnicutt mentioned that this site is in an environmentally sensitive area and had gone through a controversial Special Exception process. He noted that Nextel and Sprint had both recently been recommended to attach to this monopole. He reminded the group that Nextel's attachment was in lieu of a monopole it had originally proposed to construct immediately adjacent to this existing monopole. He stated that initially, Nextel had not been permitted to attach to the monopole by the tower owner until Jane Lawton interceded and a lease agreement was finally negotiated. At the time that application was reviewed, however, Denis Canavan recommended (and the group approved) that the TTF CG recommendation be conditioned on a modification to the Special Exception to provide additional ground space for Nextel's equipment; and that it also asked the Board of Appeals and Nextel to consider approving space for future carriers. Nextel, in its modification request, asked to increase the size of the ground space from 2,500 square

feet to 3,500 square feet, which is more than what would be required for Nextel's equipment shelter alone. That request was approved by the Board of Appeals. However, upon reviewing the site plan submitted with this application by AT&T, and verified by a site visit, this site appears to have been increased by approximately 600 square feet beyond what the Board of Appeals had approved. He stated that he checked with the Board of Appeals staff, who informed him that when an inspector visited the site, he would notice the increased use of ground space and would probably issue a citation. Mr. Hunnicutt noted that although this was a problem he wanted to bring to the group's attention, it had no bearing on this AT&T application.

Terence Cooke stated that Mr. Hunnicutt was correct, and that the AT&T equipment was entirely within the original 50 foot by 50 foot ground space approved by the Board of Appeals.

Jane Lawton stated that she believed the TTFCG should send a letter to Nextel and to Verizon, the carrier who appeared to be in the unapproved expanded area, advising them that the TTFCG believed it was appropriate for them to bring this matter to the attention of the Board of Appeals. She suggested that the group not accept any other applications from Nextel or Verizon until that had been done. Mr. Hunnicutt agreed to draft a letter for Ms. Lawton's signature.

Motion: Gene Dombrowski moved the application be recommended. Dave Niblock seconded the motion and it was approved, with Pat Hanehan abstaining.

Discussion Item - County Revenue Authority's Concerns Regarding the Maryland Public Television Broadcast Tower: Jane Lawton stated that the Revenue Authority had notified her that they objected to the present height of the MPT broadcast tower recommended by the TTFCG. She noted that the Park & Planning Commission's hearing on that application was coming up soon. She introduced John Luke of the Revenue Authority, and asked if he had any comments.

Mr. Luke stated that he had reviewed the FAA's review for the MPT tower and had determined that at its present height, the tower would affect airspace on approach to the Montgomery County Airpark. He noted that the tower was 8.77 miles northeast of the airport. He stated that the Maryland FAA would not object to this tower if it was lowered by 80 feet. He said that if the tower was not lowered, pilots would have to raise their minimum approach height to the airport from that direction. He stated he had placed a call to MPT's engineer to discuss this matter, but had not spoken with him yet.

Dave Niblock stated that if he were to have to make a choice between MPT's broadcast coverage in the County and the safety of aircraft in the County, he would err on the side of better judgment and request that the tower height be lowered. Jane Lawton asked the Tower Coordinator what the circumstances were regarding the height of the MPT tower.

Mr. Hunnicutt recalled that the difference in ground elevation between the existing Frederick County site and the new site in Montgomery County was also 80 feet, and they had determined that 80 feet would have a somewhat significant impact on the expected signal reception to viewers in Montgomery County based on the coverage plots provided by MPT's engineer. He stated that he could not comment on what the impact of lowering the tower might be unless he had an additional set of coverage plots showing the MPT antennas at a height 80 feet lower than the proposed height. Jane Lawton asked the Tower Coordinator to prepare a letter to the Park & Planning Commission for her signature concerning this matter.

Mr. Luke also commented that he had received a second FAA review application from XM Satellite Radio in which XM proposed to add a 12 foot extension to its existing antenna which is on top of the airpark water tanks. He stated that the Revenue Authority would agree to this attachment if those antennas were lowered by 8 feet. Mr. Hunnicutt stated that the TTFCG had reviewed the XM Satellite Radio attachment to the water tanks in 2000, and that FAA issues were not a concern at that time.

Jane Lawton asked what the Tower Coordinator's process was in considering FAA issues. Mr. Hunnicutt replied that for cases where it appeared that a facility is on the approach of an airport or is 200 feet above ground level and there are concerns about an FAA review, the carriers is asked to address that issue in its application. In response, the carriers either give the status of the FAA review or, in many cases, submit copies of the FAA determination justifying the structure elevation in the application.

Dave Niblock noted that in 2000, a permit was issued to XM Satellite to attach its antennas on the water

tanks. Mr. Luke stated that the water tanks are used as a landmark navigational aid in the approach to the airport. Mr. Hunnicutt stated that if the water tanks were recognized by the pilots who used the airport, he did not understand how a relatively short distance of 8 feet would make a difference. Mr. Luke replied that the water tanks themselves were an obstruction to the flight path and should never have been erected to begin with.

Jim Michal added that every carrier has staff to deal with FAA issues, and that the carriers are very sensitive to obtaining all FAA approvals prior to submitting antenna applications. He stated that carriers know that violating FAA rules is a very serious matter.

Mr. Hunnicutt stated he had not received any information from XM Satellite on this latest modification to its original application. He suggested that XM Satellite might be trying to determine if the FAA would have any objections to this change prior to submitting an application to the TTFCG or Permitting Services for this change.

Jane Lawton asked if an FAA review had been considered in the TTFCG's review of the MPT tower. Bob Hunnicutt recalled that the MPT application had included a copy of the FAA application determination, and according to MPT, the proposed tower height was the maximum height permitted by the FAA.

Discussion Item - Legislative Changes Regarding Facilities: Jane Lawton noted that there was a meeting Thursday, June 13, at the Park & Planning Commission to consider additional comments from the Commission's legal staff regarding the proposed text amendments. Ms. Lawton stated that although she had not had a chance to thoroughly review the changes, she noticed that new definitions had been added to the proposed legislation which had not been previously discussed. She asked Michael Ma to comment about what he knew of the proposed changes.

Mr. Ma stated that at the time of the Commission's hearings on the proposed text amendment changes, some of the issues discussed raised questions that were referred to the legal staff for response.

Bob Hunnicutt stated that he had briefly reviewed the document and that the Park & Planning Commission staff had proposed to change the definition of a tower to a structure used to support "personal wireless services" as defined in the 1996 Telecommunications Act. Ms. Lawton stated that she did not know the full impact of making that change because it may mean that a number of applications currently being reviewed by the TTFCG, in addition to radio and television antenna applications, may not meet the definition and therefore, would not go before the TTFCG. She said she did not believe that was in the keeping with the intent of the TTFCG's review process. Mr. Hunnicutt noted a recent discussion with a tower representative for seven radio broadcast towers proposed for the county. Mr. Hunnicutt stated that Lee Afflerbach had advised the representative how to construct the towers in a manner that would facilitate attachment by other carriers as well. The radio tower representative agreed to consider changing the design plan to facilitate future co-location by others. He noted that if radio towers had been exempt from the review process, that opportunity for co-location might have been missed. Jane Lawton reminded the group that if they had been notified sooner about plans for the MPT tower, it would have precluded construction of two other towers erected prior to submission of the MPT application.

Bob Hunnicutt stated that the Tower Coordinator had not had time to assess the impact of this change in definition either, but he did note that the Tower Coordinator spent a great deal of time reviewing applications for very small receive-only antennas, some as small as 8 inches tall, placed on existing structures, and thought if any applications should be dropped from the review process it should be those. However, he stated he believed that large structures such as 450 foot towers should be reviewed. Jane Lawton added that it did not make sense to continue to review 8 inch antennas and not review a 450 foot tower in the County.

Pat Hanehan suggested that broadcast and radio towers could be treated like PEPCO facilities once they were in place. Ms. Lawton stated that would be fine for existing structures but new facilities would still be exempt. She said she thought it was appropriate to have a waiver provision for those kinds of towers but not to completely eliminate them from the review process.

Discussion Item - Legislative Changes Regarding Fees: Jane Lawton stated that at a hearing last week, the MFP Committee considered fees proposed by the text amendment changes. She stated that she did not have advance notice of the hearing and so was not able to clearly express what the Executive might be considering

for fees if the proposed changes went into effect. She stated that since that MFP hearing, she met with OMB to develop a fee structure. She added that she knew Marilyn Praisner wanted to include fees that would cover County expenses as well as contractor expenses. She said that they had prepared a fee study which included the contractor expenses, but which also included mid-level salaries of the County staff who are members of the TTFCG. She stated that the Executive staff had reviewed a recommendation for an annual fee to cover the cost of GIS input and annual plan review and that there would be a fee for co-locations, a fee for new antennas by-right, a fee for new towers by Special Exception, and a fee for the change out of existing antennas. She stated that the range of fees was \$500 - \$3,500. She stated she would meet again with Ralph Wilson and Marilyn Praisner to discuss these proposed fees as well as the new considerations proposed by the Park & Planning Commission.

Jim Michal added that he had spoken with Michael Cogan to discuss the \$10,000 fee proposed, which he believes is outrageous, especially considering a carrier would also have to pay a \$7,500 fee for a Special Exception, if warranted. He said he believed that the fees for simple by-right co-locations should be minimal. He stated that Mr. Cogan replied that he had no information on what jurisdictions are charging for lease fees.

Jane Lawton asked if there were any comments from the TTFCG group regarding fees to be charged. Pat Hanehan asked if the TTFCG member agencies would be able to charge back any of their expenses to the County as their portion of the fees. Ms. Lawton replied that there had not been any discussions regarding that aspect of fees.

Discussion Item - Landowner Agency Lease Fee: Jim Michal advised the group that some agencies are charging rent for underlying ground space without considering the carrier also has to pay the tower owner for attachment to the tower. He noted that because of that, carriers (at least Sprint) are passing on co-location opportunities because of these expenses. Jane Lawton stated she had spoken with one agency representative and made them aware of the TTFCG's interest in facilitating co-location. Mr. Michal added that he believed that everyone was interested in co-location and that monetary issues should be secondary.

Michael Ma stated that there were many policy issues which need to be considered in assessing fees to be charged for use of Park property. He said that some community members had stated they did not believe that park property should be used at all for monopolies or towers. Ms. Lawton added that agencies were now seeing these fees as new sources of revenue and that the TTFCG had worked with the landowning and facility owning agencies, such as PEPCO, in making changes which seemed reasonable. Mr. Michal stated that in the case of WSSC and PEPCO, it is they who have the asset to which antennas would be attached. He added that for agencies which just owned the land, it was a different matter. He stated he would prefer to see greater accommodation on the part of public agencies.

Gene Dombrowski added that market rates vary, and when determining lease fees, the actual lease fees negotiated depend on what the market will bear. Pat Hanehan stated that the Public Schools note that the first carrier bears the capital cost of constructing the facility, and the second carrier's rent to the first carrier is, in effect, a subsidy for the capital cost for a co-locator. He noted that the Board of Education charges everyone the same monthly fee.

The next meeting of the TTFCG is scheduled for Wednesday, July 3, 2002 at 11:00 a.m. in the 2nd floor conference room #225 of the COB.

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